

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Conf. No.: 7745

FUKUOKA et al

Atty. Ref.: 900-556

Serial No. 10/585,858

Group: 1792

Filed: July 12, 2006

Examiner: Ford, N.K.

For: Semiconductor Manufacturing Apparatus And Semiconductor
Manufacturing Method Using The Same

* * * * *

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated February 6, 2009 holding the subject matter of claims 1-9 to be non-obvious and patentably distinct from that of claims 10-14, Applicant(s) hereby elect the invention of Group I, (upon which claims 1-9 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., *inter alia*, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,
NIXON & VANDERHYE P.C.

March 5, 2009

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